

Information Commissioner's Office

# Consultation:

## Direct Marketing Code

Start date: 8 January 2020

End date: 4 March 2020

## Introduction

The Information Commissioner is producing a direct marketing code of practice, as required by the Data Protection Act 2018. A draft of the code is now out for public consultation.

The draft code of practice aims to provide practical guidance and promote good practice in regard to processing for direct marketing purposes in compliance with data protection and e-privacy rules. The draft code takes a life-cycle approach to direct marketing. It starts with a section looking at the definition of direct marketing to help you decide if the code applies to you, before moving on to cover areas such as planning your marketing, collecting data, delivering your marketing messages and individuals rights.

The public consultation on the draft code will remain open until **4 March 2020**. The Information Commissioner welcomes feedback on the specific questions set out below.

You can email your response to [directmarketingcode@ico.org.uk](mailto:directmarketingcode@ico.org.uk)

Or print and post to:

Direct Marketing Code Consultation Team  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF

If you would like further information on the consultation, please email the [Direct Marketing Code team](#).

## Privacy statement

For this consultation we will publish all responses received from organisations except for those where the response indicates that they are an individual acting in a private capacity (eg a member of the public). All responses from organisations and individuals acting in a professional capacity (eg sole traders, academics etc) will be published but any personal data will be removed before publication (including email addresses and telephone numbers).

For more information about what we do with personal data please see our [privacy notice](#).

## Questions

Q1 Is the draft code clear and easy to understand?

☒ Yes

☐ No

If no please explain why and how we could improve this:

Q2 Does the draft code contain the right level of detail?  
(When answering please remember that the code does not seek to duplicate all our existing data protection and e-privacy guidance)

☒ Yes

☐ No

If no please explain what changes or improvements you would like to see:

Q3 Does the draft code cover the right issues about direct marketing?

☒ Yes

☐ No

If no please outline what additional areas you would like to see covered:

Q4 Does the draft code address the areas of data protection and e-privacy that are having an impact on your organisation's direct marketing practices?

☒ Yes

☐ No

If no please outline what additional areas you would like to see covered:

Q5 Is it easy to find information in the draft code?

☒ Yes

☐ No

If no, please provide your suggestions on how the structure could be improved:

Q6 Do you have any examples of direct marketing in practice, good or bad, that you think it would be useful to include in the code?

☒ Yes

☐ No

If yes, please provide your direct marketing examples:

Provision of an appendix including examples of the code's application to different industries (e.g. real estate) would be helpful.

**Q7 Do you have any other suggestions for the direct marketing code?**

We suggest that it would be helpful for the following issues to be dealt with in the code:

1. For data enrichment purposes, where data is sourced from a public source which requires a paid subscription (for example, the Land Registry), does this count as "buying" additional data?
2. What is "direct marketing activity" defined as? It would be helpful to clarify whether the code requires a DPIA to be carried out on each direct marketing campaign, or just on each category of direct marketing (e.g. for mailouts, for event invitations, etc).
3. Where personal data is collected from public sources but is then not used for any direct marketing (or other) purposes, is there still an obligation to send privacy information to the individual or would it be sufficient to delete the information?
4. It would be helpful to clarify the definition of "data matching", as it currently seems very wide.

## About you

Q8 Are you answering these questions as:

(Please select the one that is most appropriate)

- ☐ **An individual acting in a private capacity** (eg someone providing their views as a member of the public)
- ☐ **An individual acting in a professional capacity**
- ☒ **On behalf of an organisation**
- ☐ **Other**

Please specify the name of the organisation you are representing:

BNP Paribas Real Estate Advisory & Property Management  
UK Limited

If other please specify:



Q9 How did you find out about this survey?

- ☐ ICO Twitter account
- ☐ ICO Facebook account
- ☐ ICO LinkedIn account
- ☐ ICO website
- ☐ ICO newsletter
- ☐ ICO staff member
- ☒ Colleague
- ☐ Personal/work Twitter account
- ☐ Personal/work Facebook account
- ☐ Personal/work LinkedIn account
- ☐ Other

Please specify:

**Thank you for responding to this consultation.  
We value your input.**